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HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 114 of 2007

Petitioner — Manilal s/o Shifai aged about 38 years caste Uraon, r/o village Koldiha, P.S. Jainagar, Tahsil, Ambikapur, District Sarguja(CG)

Versus

Respondent — Suru w/o Manilal aged about 32 years caste Uraon r/o village Lavaidih P.S. Darima, Tahsil Ambikapur District-Sarguja(CG)

Appearance:
Shri A.V.Shridhar, counsel for the petitioner.

ORAL ORDER
(04.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

This petition is directed against the order dated 23.6.2006, passed in Criminal Revision No. 235/2005 by the First Additional Sessions Judge, Sarguja, Ambikapur(CG). The aforesaid Criminal Revision was filed by the respondent against order dated 30.7.2005, passed in Misc. Criminal Case No.231/2002 by the Chief Judicial Magistrate, Sarguja, Ambikapur, whereby the said Court had dismissed the application of the respondent/wife filed under Section 125 Cr.P.C. The Revisional Court, by reversing the order passed by the trial Court, allowed the application and has granted monthly maintenance to the tune of Rs.200/- to the wife/respondent.

The brief facts are that the respondent/wife filed an application under Section 125 Cr.P.C. against the husband for grant of monthly maintenance on the ground of cruelty and also on the ground of contracting a second marriage by the husband. The husband denied the contentions of the wife. The trial Court dismissed the application, holding that the wife could not establish the cruelty as also the second marriage contracted by the husband.

The revisional Court, after analysing the entire evidence adduced by the parties, came to the conclusion that there was evidence on record to hold that the petitioner had kept one Mangali Bai as his wife and on this ground; the respondent was entitled to live separately from him and to claim maintenance. Holding so, the revisional Court allowed the application and looking to the income of the party, ordered for payment of Rs.200/- p.m. to the respondent/wife as the amount of monthly maintenance.

A perusal of the impugned order as also the order passed by the trial Court would show that the relationship between the parties was admitted and as per the finding recorded by the revisional Court vide para 9, the wife established that the petitioner had kept Mangali Bai as his wife and for this reason, she was constrained to live separately and after recording such finding only, the aforesaid amount has been awarded.

I do not find any infirmity in the order passed by the revisional Court, allowing the amount of maintenance of Rs.200/- p.m. to the respondent.

The petition has no merit. The same is not worth admission and is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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